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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/712,934

11/12/2003

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EXAMINER

MILLIKIN, ANDREW R

ART UNIT

PAPER NUMBER

2837

MAIL DATE

DELIVERY MODE

07/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/712,934

Applicant(s)

SUZUKI ET AL.

Examiner

Andrew Millikin

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-7, 16, 22 and 26-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 4-7, 16, 22 and 26-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/666,364.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11122003, 08132004, 03152006.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 4-7, 16, 22, & 26-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Boezeman et al. (U.S. Patent No. 5,889,519, hereafter '519).

Claims 4, 16, & 22: '519 teaches a performance data editing method for a computer system containing a display (see Figs. 1-2), comprising the steps of: controlling the computer system to display a plurality of layers on a screen of the display (see Fig. 2), wherein at least one execution icon corresponding to execution-related

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data can be attached to each of the layers (col. 6, lines 22-30; col. 7, lines 11-18; Figs. 2-4); providing an instruction to change a display location of at least one of the layers; and controlling the computer system to change the display location of the at least one of the layers in response to the instruction (col. 7, lines 51-61; Figs. 10-11; see also col. 9, lines 1-31 & Fig. 12).

Claims 16 & 22: See Fig. 1 for controllers for displaying and changing the display (14). The instructor, in the context of '519, is the user.

Claim 5: '519 teaches the performance data editing method according to claim 4 wherein the plurality of layers are vertically arranged on the screen (see Fig. 2), while the instruction designates a change of the display location of the layer within vertical arrangement of the layers (see difference between Figs. 10 and 11).

Claim 6: '519 teaches a performance data editing method according to claim 4 wherein the instruction to change the display location of the layer is given by a command which is selected by a user of the computer system on the screen of the display (col. 7, lines 51-61).

Claim 7: '519 teaches a performance data editing method according to claim 4 wherein the display location of the layer is changed by effecting drag-and-drop operations with a mouse on a prescribed portion of the layer (see col. 9, lines 1-31; see also col. 2, lines 17-19).

Claim 26: '519 teaches a performance data editing method according to claim 4, wherein one or plural execution icons are displayed in the layer in a direction from the

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left to the right on the display screen in accordance with progress of the performance data (Fig. 4).

Claim 27: '519 teaches a performance data editing method according to claim 4, wherein each layer is displayed as an execution icon layer corresponding to the execution-related data (Figs. 4-8).

Claim 28: '519 teaches a performance data editing method according to claim 27, wherein the execution icon layer contains a tempo icon layer (Fig. 2, (96); col. 6, lines 27-30).

Claim 29: '519 teaches a performance data editing method according to claim 4, wherein when the execution icon attached to the layer is edited, edited content is reflected onto the performance data (col. 9, lines 58-61).

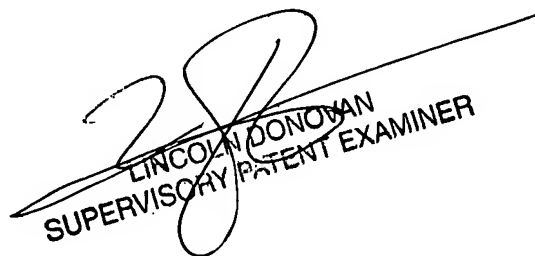
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Millikin whose telephone number is 571-270-1265. The examiner can normally be reached on M-R 7:30-5 and 7:30-4 Alternating Fridays (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on 571-272-1988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



LINCOLN DONOVAN
SUPERVISORY PATENT EXAMINER